

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/644,659	OLSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert B. Mondesi	1653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed January 17, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4-6,24-34 and 61-69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven L. Highlander on February 9, 2006.

The application has been amended as follows:

Claim 1 (Presently amended) An isolated polynucleotide encoding a striated muscle activated of Rho signaling (STARS) polypeptide, wherein the STARS polypeptide comprises the amino acid sequence of SEQ ID NO: 2.

Claim 2 (Presently amended) The isolated polynucleotide of claim 1, wherein said polynucleotide comprises the nucleic acid sequence of SEQ ID NO: 1 ~~wherein the STARS polypeptide comprises an amino acid sequence of SEQ ID NO: 2, 4, 6, 8 or 10.~~

Please cancel claims 3 and 7-17.

Claim 24 (Presently amended) An expression construct comprising the [a] polynucleotide ~~encoding a STARS polypeptide of claim 1~~ operably linked to a regulatory sequence.

Claim 25 (Presently amended) the expression construct of claim 24, wherein the polynucleotide, wherein said polynucleotide comprises the nucleic acid sequence of SEQ ID NO: 1 ~~encodes a STARS polypeptide comprising an amino acid sequence of SEQ ID NO: 2, 4, 6, 8, or 10.~~

Claim 29 (Presently amended) The expression construct of claim 25 26, wherein said promoter is an inducible promoter.

Claim 31 (Presently amended) The expression construct of claim 25 30, wherein said viral vector is selected from the group consisting of a retroviral vector, an adenoviral vector, ~~and~~ an adeno-associated viral vector, a vaccinia viral vector, a herpesviral vector, a polyoma viral construct [or] and a Sindbis viral vector.

Claim 34 (Presently amended) The expression construct of claim 32 33, wherein said second said second polynucleotide is under the control of a second regulatory sequence.

Claim 61 (Presently amended) A method of producing a STARS polypeptide in a cell comprising:

- (a) transforming a cell with an expression cassette comprising ~~a nucleic acid~~ the polynucleotide of claim 1 encoding STARS under the control of a promoter active in said cell;
- (b) culturing said cell under the conditions suitable for expression of STARS.

### ***Conclusion***

**Claims 1-2, 4-6, 24-34 and 61-69** are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Mondesi whose telephone number is 571-272-0956. The examiner can normally be reached on 9am-5pm, Monday-Friday.

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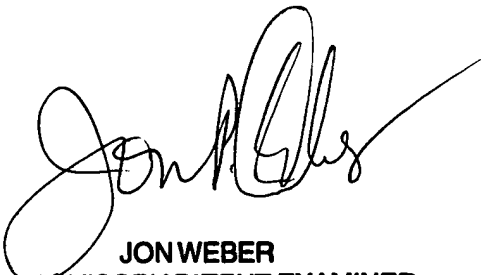
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert B. Mondesi

*Robert B. Mondesi*

02-13-06



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**